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Performing Struggle: *Parrhēsia* in Ferguson

On 9 August, an 18-year old, unarmed black teenager with no previous criminal record was shot six times by a police officer in Ferguson, Missouri. The outrage at this event stems from two things: that he was black and that it was a police officer who shot and killed him. Michael Brown, as the civil rights veteran Al Sharpton said at his funeral, ‘wants to be remembered as the one who made America deal with how we are going to police in the United States’ (McGreal and Carroll: 2014). But he will likely be remembered for a riot. The days following the shooting saw protests and ‘violent clashes’ between the protestors and police – with people throwing glass bottles, looting businesses, burning down the local QuickTrip gas station and vandalising vehicles. The state response was to form blockades of police in riot gear using tear gas, Missouri Governor Jay Nixon declared a state of emergency and imposed midnight curfews by 18 August when the riots showed to be continuing and, on seeing that these failed to control the violence, activated the Missouri National Guard to support police operations (the first time that the military has been deployed to quell civil unrest since the 1992 race riots in Los Angeles). Over 30 arrests, on charges of assault, burglary, and theft happened on the night following the shooting alone – and since then these have increased, with 78 people being arrested following riotous behavior after a second - apparently unrelated - fatal shooting of another young black man, 23-year old Kajieme Powell, on 20 August. President Obama described, or accused, the protestors of ‘stirring chaos’ and of ‘*giving in* to anger’, which only serves to raise tension, he said (Roberts 2014).

Ah, ‘[t]he enigma of revolts’ (Foucault, 2002a: 449). It is an enigma that has two sides to it: how to *label* the event and how to understand the *ēthos* of the rioting chav, or thug or underclass. As to *labels*, is the sort of unruly, spontaneous, improvised behavior that took place in Ferguson ‘proper’ resistance (compare this event to the UK Riots of August 2011, which had a similar impetus – the fatal police shooting of an unarmed, young black man – and a similar aesthetic of vandalism, looting and arson. Or to events that happened in Mexico less than 48 hours from my writing this in response to the news that 43 student teachers were disappeared by the police in the Southern city of Iguala, where the word ‘protest’ is used in contrast to ‘peaceful demonstration’ to describe violent actions, Tuckman, 2014)? The aesthetic of rioting is one of improvised, spontaneous performance, which combines the visual (spectacle) element of aesthetic with a way of behaving (*ēthos*). It is, furthermore, a spectacle but it is not *spectacular* (that is, it is revolution but rather mundane and ‘everyday’ – see further Douzinas, 2013: 139-40). Ferguson is thus not the kind of spectacular protest of the Ukrainian maidan (labeled the Hrushevskoho Street Riots of earlier this year) or the Central business district in Hong Kong (where the ‘Umbrella Movement/Revolution’, contesting exclusionary electoral

reforms since September 2014, continues to unfold). It is certainly not the type of 'historical riot' that teases out change and revolution (Badiou, 2012: 35-8). Nor is it the more civilized and thereby more politically palatable form of expression of frustration as the occupation of public, urban space that is the Occupy Movements. Not being able, by a comparison, to label the unruly event as resistance means the event becomes labeled instead as *only* 'stirring chaos', or as *only* 'criminality pure and simple' (Cameron's description of the 2011 UK Riots) or *only* 'abstract negativity' (Zizek, 2011). The riot is thus apolitical and only criminal. However, we see a new way of reading political expression if we look beyond a 'resistance' framework and see the performance of struggle that took place in Ferguson as counter-conduct. That is, behavior that counters the form of being governed *in that way*. A way of behaving that refuses, or struggles against, conducting power – which in this scenario (similar to London in 2011 and so many other unruly events dating back to the momentous May 1968 student protests in France) is police power. How then to understand the *ethos* of this behavior? The rioters become stripped of political agency and their behavior criminalized. Yet, as rights-bearing citizens they are exercising the 'new right', the ethical (rather than juridical) right to 'stand up and speak to those in power' in an attempt to alleviate suffering (Foucault, 2002b). This new right represents an *ethics* of the self which, when applied to the private individuals in Ferguson, hints that refusing the form of being conducted through looting, arson and vandalism might be an exercise of *parrhēsia* allowing individuals to refuse suffering and refuse governments that have neglected to recognize the social situation of poverty and disaffection in which they are forced to live.

The Ferguson events were not then a 'giving in' to anger but an *ethical* and acceptable response to a form of conducting power that it was no longer proper to obey. 'The police were the problem, and they had to be stopped' (Stephens, 2014). Ferguson is largely an African-American community – about two thirds of the city's 21,100 residents are black. The police force has 53 members and, strikingly disproportionately, only three of the officers are black. The *Washington Post* reports that relations between residents have been 'very hostile' (quoting a local resident) for years – everybody, for instance, has been a victim of DWB ['driving while black'] (Lowery et al, 2014). What does this show? It shows calling the event a *riot*, determining that the protestors are '*stirring chaos*' and declaring that their *anger* is misdirected is not enough. It is not enough because it ignores the nature of this as a *political* event and denies political agency to the protestors, dismissing them instead as irrational and apolitical. The rioters, I suggest, can instead be seen as parrhēsiasts, who engage in fearless speech and truth-telling about the pain and fear of an entire community as perpetuated by the lying rhetorician, who is represented by the state (specifically the police)? They fulfill the conditions of parrhēsia, as risk and courage (Foucault, 2011; Foucault, 2001); they risk excessive punitive response from the state in the form of arrests (and disproportionately high criminal sentences as we saw in the judicial response to the UK Riots) and military presence and so are courageous in expressing their disaffection. Perhaps they do not fulfill the condition of being the 'decent people' ('*khrēstroi*') who deliberate and take decisions within the city – perhaps they are more akin to the mad, the insane, who are not even given the right to speak. What then of the activists and leaders from the New Black Panthers, the Nation of

Islam, Christian Groups such as Disciples of Justice, and known civil rights campaigners such as Jesse Jackson and Al Sharpton who took part – can *they* speak the truth? Could not the looters, protestors, bystanders in Ferguson be likened to the spontaneous, improvising ‘tellers’ of (Playback) theatre (Fox, 2003) – since they take on a raw, ‘animal-like’ persona to tell the truth, the story of their community? The story being that policing in Missouri, in the United States, uses excessive force against rights-bearing citizens and that we will not stand for this. Much like the actors of non-scripted theatre, they are acting in collaboration and alone – they must be able to be good group members or else the whole performance will not work. And as a performance the riot is, far from being *only* ‘abstract’ and ‘chaotic’, acted out according to certain rules (where to meet, what posters to hold, how to communicate).

The ‘enigma of revolts’ is thus made easier to understand through a counter-conduct framework, which presents a new way of reading political expression. Counter-conduct reveals an *ethical* form of behavior – so, the events in Ferguson reveal an ethical position towards conducting (police) power. It is an *ēthos* that is characterized by the free speech of the courageous truth-teller, even where that individual is a black citizen from a low-income background (or a ‘chav’ or ‘mindless thug’, as the rioters in London have been labeled). The challenge is to recognize the behavior of animal-like, spontaneous performers with rights as political acts and not dismiss them and thus the story of their communities as purely criminal or ‘abnormal’.

References

- A Badiou (2012), *The Rebirth of History: Times of Riots and Uprisings* (Verso: London)
- C Douzinas, (2013), *Philosophy and Resistance in the Crisis* (Polity: London)
- M Foucault (2011), *The Courage of Truth* (F Gros, ed; G Burchell, trans) (Palgrave Macmillan: Basingstoke)
- M Foucault (2002a), ‘Useless to Revolt’, in *Power: Volume 3: Essential Works of Foucault 1954-1984* (J Faubion ed, R Hurley trans) (Penguin: London) 449.
- M Foucault (2002b), ‘Confronting Governments: Human Rights’ in *Power: Volume 3: Essential Works of Foucault 1954-1984* (J Faubion ed, R Hurley trans) (Penguin: London).
- M Foucault (2001), *Fearless Speech* (J Pearson, ed) (Semiotext(e): Los Angeles)
- J Fox (2003), *Acts of Service: Spontaneity, Commitment, Tradition in the Nonscripted Theatre* (Tusitala Publishing: New York).

W Lowery, C Leonnig and M Berman (2014), 'Even before Michael Brown's slaying in Ferguson, racial questions hung over police', *The Washington Post* 13 August – available at: http://www.washingtonpost.com/politics/even-before-teen-michael-browns-slaying-in-mo-racial-questions-have-hung-over-police/2014/08/13/78b3c5c6-2307-11e4-86ca-6f03cbd15c1a_story.html (accessed 14 August 2014).

C McGreal and R Carroll (2014), 'Second fatal St Louis area shooting stokes tensions in Ferguson', *The Guardian* 20 August – available at <http://www.theguardian.com/world/2014/aug/19/police-officer-shooting-st-louis-dead-knife?CMP=EMCNEWEML6619I2> (accessed 20 August 2014).

D Roberts (2014), 'Ferguson crisis: Obama sends Attorney General as Governor lifts curfew', *The Guardian* 19 August – available at: <http://www.theguardian.com/world/2014/aug/18/obama-attorney-general-eric-holder-ferguson?CMP=EMCNEWEML6619I2> (accessed 20 August 2014).

R Stephens (2014), 'In defense of the Ferguson riots' *Jacobin* 14 August – available at: <https://www.jacobinmag.com/2014/08/in-defense-of-the-ferguson-riots/> (accessed 14 August 2014).

Jo Tuckman (2014), 'Mexico: protests at admission that 43 missing students were massacred', *The Guardian* 9 November – available at: <http://www.theguardian.com/world/2014/nov/09/mexico-demonstration-43-students-confirmed-massacred?CMP=EMCNEWEML6619I2> (accessed 10 November 2014).

S Zizek (2011), 'Shoplifters of the world unite', *London Review of Books*, 19 August. Available at: <http://www.lrb.co.uk/2011/08/19/slavoj-zizek/shoplifters-of-the-world-unite> (accessed 28 March 2014).

R v Blackshaw [2011] EWCA Crim 2312